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*CHAPTER 7 TRUSTEE*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<b>IN RE:</b>	§	
	§	<b>CASE NO. 14-42378-rfn7</b>
<b>CHARLES EDWARD BEREND AND</b>	§	
<b>THERESA LYNN BEREND,</b>	§	
	§	
<b>Debtors.</b>	§	

**NOTICE OF ABANDONMENT OF PROPERTY OF THE ESTATE  
[Relating to the Proceeds from the Pre-Petition Sale of BAC Funding, LLC's Membership  
Interests in certain Entities (\$1,053.00)]**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT U.S. BANKRUPTCY COURT, ELDON B. MAHON U.S. COURTHOUSE, 501 W. 10TH ST., FORT WORTH, TX 76102-3643, BEFORE CLOSE OF BUSINESS ON OCTOBER 17, 2014, WHICH IS AT LEAST 24 DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

Marilyn Garner, Chapter 7 Trustee of the above above-styled Estate, files this Notice of Abandonment of Property of the Estate (Relating to the sum of \$1,053.00), and in support thereof would respectfully show the following:

**Estate's Interest in the Sum of \$1,053.00**

1. On June 9, 2014, Debtors, Charles Edward Berend and Theresa Lynn Berend, (hereafter "Debtors"), filed the above-numbered Chapter 7 bankruptcy proceeding. On September 19, 2014, the Debtors received their discharge.

2. Debtor Theresa Lynn Berend was previously the sole manager and member of BAC Funding, LLC ("BAC"). BAC was a member of AG Realty, LLC ("Realty") and Allied Growth Investments, LLC ("Investments"). Pursuant to the limited liability agreements of Realty and Investments, upon the termination of Debtor Charles Berend's separation from an affiliate of Realty and Investments, which occurred, Vantage Finance, Inc. ("Vantage") had the right to require BAC to sell all membership units then owned by BAC to Vantage at any time that Vantage so chose, at book value, as defined by GAAP.

3. Vantage exercised its option on May 19, 2014 and sent a check to Theresa Lynn Berend's pre-bankruptcy counsel in the total amount of \$1,053.00 (hereafter the "Property"). The sale of the membership units contemplated the execution by BAC of a Transfer Agreement, by and through Theresa Lynn Berend. Vantage paid the sum of \$1,053.00 to BAC but Theresa Lynn Berend was unable, from a timing standpoint, to execute the Transfer Agreement, on behalf of BAC, prior to filing her Chapter 7 petition herein.

**Property Burdensome to the Estate**

4. The Trustee has been asked to execute the Transfer Agreement or abandon any interest in the Property, i.e. the proceeds in the amount of \$1,053.00 so that Theresa Lynn Berend could execute the Transfer Agreement on behalf of BAC. The Trustee believes that it is in the Estate's best interest to simply abandon the proceeds in the amount of \$1,053.00 and allow Theresa Berend to execute the Transfer Agreement on behalf of BAC, rather than execute the Transfer Agreement as Trustee for the Estate. The proceeds are less than \$2,000.00 and burdensome to administer. Consequently, the Trustee hereby gives notice of its intent to abandon the proceeds in the amount of \$1,053.00 with the understanding that Theresa Lynn Berend will thereafter execute the Transfer Agreement on behalf of BAC.

5. If no objection is filed with the Court and served on the Trustee on or before 24 days from the date hereof, the Property will be deemed to be automatically abandoned by the Trustee without further notice. This Notice shall serve as the Trustee's Notice to abandon property of the Estate pursuant to 11 U.S.C. §554 (a).

Respectfully submitted,

LAW OFFICE OF MARLYN D. GARNER

By: /s/ Marilyn Garner  
Marilyn Garner  
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CHAPTER 7 TRUSTEE

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of September, 2014, a true and correct copy of the above and foregoing document(s) will be served via electronic means by the clerk through the ECF system, when available, otherwise by regular, first class mail, to the following persons and entities:

OmniAmerican Bank  
5001 N. Riverside Dr.  
Ft. Worth, TX 76137-2479

ACS  
PO Box 7051  
Utica, NY 13504-7051

BBVA Compass  
PO Box 10964  
Birmingham, AL 35202-0964

Bonfire Capital Group  
201 E. Abram St., Ste 120  
Arlington, Texas 76010-1146

Coats-Rose  
CO Peggy Fitzgerald  
3 E. Greenway Plaza, Ste 2000  
Houston, Texas 77046-0307

Eugene L. McKenzie, Jr.  
201 E. Abram Street, Ste 120  
Arlington, Texas 76010-1146

LGM Finance Companies  
201 E. Abram St., Ste 120  
Arlington, Texas 76010-1146

Omni American  
PO Box 150099  
Fort Worth, Texas 76108-0099

Plains Capital  
801 Houston St.  
Fort Worth, Texas 76102-6202

Compass Bank  
P.O. BOX 201347  
ARLINGTON, TX 76006-1347

Compass Bank  
CO Ascension Capital Group  
PO Box 201347  
Arlington, TX 76006-1347

OmniAmerican Bank  
c/o Matthew T. Taplett, Esq.  
500 W.7th St. #600  
Fort Worth, TX 76102-4751

AES  
PO Box 2461  
Harrisburg, PA 17105-2461

BBVA Compass  
PO Box 11631  
Birmingham, AL 35202-1631

Cirro Energy  
PO Box 700608  
Dallas, Texas 75370-0608

Community Trust Bank  
3000 W. 7th St.  
Fort Worth, Texas 76107-9201

Green Bank  
5950 Sherry Lane, Ste 400  
Dallas, Texas 75225-6552

Legacy Texas Bank  
707 E. Arapho  
Richardson, Texas 75081-2290

Omni American Bank  
PO Box 150099  
Fort Worth, Texas 76108-0099

BAC Funding, LLC  
2405 Rogers Ave.  
Fort Worth, Texas 76109-1014

(p)BANK OF AMERICA  
PO BOX 982238  
EL PASO TX 79998-2238

Citicard  
PO Box 6500  
Sioux Falls, SD 57117-6500

Donald Berend  
95 Sunset Lane  
Subiaco, AR 72865-9022

Internal Revenue Service Center  
PO Box 7346  
Philadelphia, PA 19101-7346

Lowes  
PO Box 530914  
Atlanta, GA 30353-0914

OmniAmerican  
PO Box 150099  
Fort Worth, Texas 76108-0099

Pooh-Ph Holdings, LLC  
201 E. Abram, Suite 120  
Arlington, Texas 76010-1146

Nancy Hamren  
Coats, Rose, Yale, Ryman & Lee, P.C.  
3 E. Greenway Plaza, Suite 2000  
Houston, TX 77046

Plains Capital Bank  
801 Houston St.,  
Fort Worth, Texas 76102-6202

Southwest Bank  
3641 Matlock Road  
Arlington, Texas 76015-3606

Vantage Finance  
201 E. Abram St. Ste 120  
Arlington, Texas 76010-1146

Charles Edward Berend  
2405 Rogers Ave.  
Fort Worth, TX 76109-1014

Triumph Savings  
12700 Park Central Dr. Ste 1700  
Dallas, Texas 75251-1517

Behrooz P. Vida  
The Vida Law Firm, PLLC  
3000 Central Drive  
Bedford, TX 76021-3671

United States Trustee  
1100 Commerce Street Room 976  
Dallas, TX 75242-0996

Carla Reed Vida  
The Vida Law Firm, PLLC  
3000 Central Drive  
Bedford, TX 76021-3671

Theresa Lynn Berend  
2405 Rogers Ave.  
Fort Worth, TX 76109-1014

/s/ Nancy H. Hamren  
Nancy H. Hamren